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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Ullrich et al.

Serial No.: 07/975,750

Group Art Unit:

Filed: November 13, 1992

Examiner:

For: Flk-1 IS A RECEPTOR FOR  
VASCULAR ENDOTHELIAL  
GROWTH FACTOR

Attorney Docket No.: 7683-009

RECEIVED

JUN 29 1993

SPECIAL PROGRAMS OFFICE  
AC/PATENTS

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Applicants hereby petition under 37 C.F.R. §1.48(a) to amend their application to add Birgit Millauer ("Millauer") as a co-inventor. Amendment is necessary because Millauer, along with named inventors Axel Ullrich ("Ullrich") and Werner Risau ("Risau") are the true and first inventors of the invention disclosed and claimed in the above-identified application.

Applicants submit the following in support of their petition:

- (1) A copy of the Rule 63 Declaration executed by all actual co-inventors, Ullrich, Risau and Millauer, of the invention embodied in Application Serial No. 07/975,750 (the original

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EXPRESS MAIL CERTIFICATION

"Express Mail" label No. TB389 221 987US Date of Deposit MAY 27, 1993

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

FRANK DIANGELIS

(Type or print name of person mailing paper or fee)

(Signature of person mailing paper or fee)

*Frank DiAngelis*

PENY-152052.1

Rule 63 Declaration executed by the actual inventors was submitted herewith concurrently with a Notice to File Missing Parts);

- (2) Verification by the named inventors, Ullrich and Risau, as required by 37 C.F.R. 1.48(a);
- (3) Fee (\$130.00) set forth in 37 C.F.R. §1.17(h); and
- (4) Written consent of Max-Planck Gesellschaft Zur Förderung der Wissenschaften e.v. as assignee of the application.<sup>1</sup>

OMMITTING MILLAUER WAS AN INADVERTENT  
ERROR THAT OCCURRED WITHOUT DECEPTIVE INTENT

Through an inadvertent error and without deceptive intent, Millauer was omitted when the application was filed and only Ullrich and Risau were named as inventors.

The error of omitting Millauer was discovered when the named inventors were asked for information needed to complete their Supplemental Rule 63 Declaration. The following explains how the error occurred.

According to instructions from the Applicants, the above-identified application was to be filed on or before November 13, 1992. To meet this deadline, and in accordance with 35 U.S.C. §111, the application was filed with an unexecuted Rule 63 Declaration. Based on information available at that time only Ullrich and Risau were named as co-inventors. Before filing the application attempts were

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<sup>1</sup> An assignment of Application Serial No. 07/975,750 by all three above-named co-inventors to Max-Planck Gesellschaft Zur Förderung der Wissenschaften e.v. as assignee is filed concurrently herewith, under separate cover.

made to contact the named co-inventors Ullrich and Risau, who reside in Germany, to obtain information needed to complete the Declaration, but because they were traveling at the time, they could not be reached (See attached Declaration, p. 2, ¶2). Accordingly, Applicants' attorney was not informed of Millauer's contribution to the invention and that she should be named as a co-inventor.

Subsequent to filing the application, Ullrich, one of the named inventors, was requested to furnish information needed to prepare a Supplemental Declaration for execution and filing in the Patent Office in response to a Notice To File Missing Parts. Ullrich's response provided information concerning Millauer's contribution to the invention. It was then concluded that the application as filed was in error because Millauer had not been named as a co-inventor (See attached Declaration, p. 2, ¶3). Both named inventors, Ullrich and Risau agree that Millauer made inventive contributions to the subject matter described and claimed in the above application (See attached Declaration, p. 2, ¶4).

#### CONCLUSION

Under these facts, it is apparent that omitting Millauer as a co-inventor was an inadvertent error that occurred without deceptive intent. Accordingly, correction of the application to add Millauer as a co-inventor along with Ullrich and Risau is necessary and requested.

Applicants authorize the Commissioner to charge all fees required in connection with this petition to Deposit

Account No. 16-1150. A duplicate of this sheet is provided  
for that purpose.

Respectfully submitted,

by *A. M. L.* REG NO.  
*31,956*

Date May 27, 1993

Laura A. Coruzzi 30,742  
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Enclosure